

CAP - Schedule B
Exception Types with Default Text

Access- Landlocked	Attention is directed to the fact that the public records do not show any means of ingress or egress to or from the land, and, by reason thereof, this Commitment and our Guaranty, if and when issued, should not be construed as guaranteeing against any loss or damage by reason of lack of access to and from the land.
Access- None	Notwithstanding the guaranteeing clauses of this Guaranty, the Division does not guarantee against any loss or damage by reason of lack of access to and from the land.
Access- Controlled	All rights of access to and from highways, including those which may be designated "controlled access facilities" by State or Local authorities.
Bankruptcy – Pending	Statutory rights, powers and duties of the trustee in bankruptcy and the court in the bankruptcy proceedings filed by _____, on _____ in the Federal District Court for the _____ District of Iowa in Case No. _____.
Bankruptcy- Lender Creditor's Rights	Any claim, which arises out of the transaction creating the interest of the mortgagee covered by this certificate, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on: (i) the transaction creating the interest of the covered mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or (ii) the subordination of the interest of the covered mortgagee as a result of the application of the doctrine of equitable subordination; or (iii) the transaction creating the interest of the covered mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

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Bankruptcy- Owner Creditor's Rights	Any claim, which arises out of the transaction vesting in the Guaranteed the estate or interest covered by this certificate, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on: (i) the transaction creating the estate or interest covered by this certificate being deemed a fraudulent conveyance or fraudulent transfer; or (ii) the transaction creating the estate or interest covered by this certificate being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.
Condo- Declaration	Terms, provisions, covenants, conditions, options, rights and easements, established by the Declaration of Submission of Property to Horizontal Property Regime for _____ filed _____, in Book/Page/Document No. _____ in the _____ County, Iowa, Recorder's Office, and as amended from time to time.
Condo- Limitations	Limitations and conditions imposed by the Iowa Horizontal Property Regime Act.
Condo- HO Association	Articles of Incorporation, By-Laws, rules, regulations, and assessments of the _____ homeowners' association, filed of record with the Declaration of Submission of Property to Horizontal Property Regime, in Book/Page/Document No. _____ in the _____ County, Iowa, Recorder's Office, and as amended from time to time.
Condo- HO Letter	The Division must be furnished with an association letter executed and acknowledged by the secretary of the board of managers stating that, as of the filing date of the mortgage (deed), there are no unpaid dues, liens, or assessments as per the Condominium Declaration.
Condo- Waiver	The Division must be furnished with an association letter executed and acknowledged by the secretary of the board of managers stating that the provisions of the Condominium Declaration pertaining to the right of first refusal to purchase the premises has been duly waived by the board of managers and that the rights of the Board there under have terminated.
CCR- General	Declarations, covenants, restrictions, easements, reservations, rights, and options filed of record in the ____ County, Iowa, Recorder's Office.

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CCR- Specific	Terms, provisions, conditions, restrictions, reservations, _____ and easements in a Declaration of Restrictive Covenants for _____ Subdivision filed _____, in Book/Page/Document No. _____ in the _____ County, Iowa, Recorder's Office, and as amended from time to time.
CCR- HO Association	Articles of Incorporation, By-Laws, rules, regulations, and assessments of the _____ homeowners' association, filed of record with the Declaration filed in Book/Page/Document No. _____ in the _____ County, Iowa, Recorder's Office, and as amended from time to time.
CCR- HO Letter	The Division must be furnished with an association letter executed and acknowledged by the secretary of the board of managers stating that, as of the filing date of the mortgage (deed), there are no unpaid dues, liens, or assessments as per the Declaration.
CCR- Waiver	The Division must be furnished with an association letter executed and acknowledged by the secretary of the board of managers stating that the provisions of the Declaration pertaining to the right of first refusal to purchase the premises has been duly waived by the board of managers and that the rights of the Board there under have terminated.
Deeds- % Interest	Rights of co-tenants to partition, contribution and possession The right of the United States government to sell the entire property to enforce a tax lien against any co-tenant of the land. The right of a creditor, trustee, or debtor in possession to sell the entire property in the event of a bankruptcy of any co-tenant of the land.
Deeds- Trust	Terms, powers, provisions, and limitations of the trust under which title to the land is held.
Deeds- Trustee	Trustee's Affidavit executed by _____, and an Affidavit by the buyer stating that they relied upon the Affidavit of the Trustees, in accordance with Iowa Code Section 614.14 and Title Standard 4.7.

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Deeds- Vesting	Note: The Division does not purport to guarantee whether the above parties hold title as joint tenants with full rights of survivorship and not as tenants in common, or as tenants in common.
Deeds- Marital	Note: The marital status of the grantor(s) of the deed must be shown on the deed.
Easement- Utility 1	Utility easement in, over or under the _____ feet of the property in favor of _____ filed _____, in Book/Page/Document No. _____.
Easement- Utility 2	Utility easement in, over or under the _____ feet of the property as shown on the plat of _____ Addition/Subdivision filed _____, in Book/Page/Document No. _____.
Easement- Appurtenant	<p>Terms, provisions, conditions, restrictions, easements and costs contained in (easement)(agreement) by _____ in favor of _____ filed _____, in Book/Page/Document No. _____, located _____.</p> <p>Note: The Division does not purport to guarantee title to the above easement conveyed as appurtenant to the guaranteed premises.</p>
Easement- Note 1	Note: The Division does not purport to guarantee title to any portion of the above easement conveyed as appurtenant to the guaranteed premises.
Easement- Note 2	Note: The Division does not purport to guarantee title to any of the above easements conveyed as appurtenant to the guaranteed premises.
Encroachment- Adjoining Specific	(e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____, discloses that the (e.g., northwest corner) of the (e.g., garage, house) located upon the certified premises encroaches upon the (e.g., southwest corner) of the adjoining lot by (e.g., ten feet).
Encroachment- Adjoining General	Encroachment of the (e.g., northwest corner) of the (e.g., garage, house) located upon the certified premises encroaches upon the (e.g., southwest corner) of the adjoining lot, as disclosed by (e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____.

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Encroachment- Setback	(e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____, discloses an encroachment by the (e.g., garage, house) of (e.g., ten feet) over the (e.g., south) building line.
Encroachment- Easement Specific	(e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____, discloses that the (e.g., southwest corner) of the (e.g., garage) encroaches upon the (e.g., utility) easement by (e.g., ten feet).
Encroachment- Easement Unspecific	Encroachment of the (e.g., northwest corner) of the (e.g., garage, house) (e.g., over, upon) the (e.g., building setback line, utility easement), as disclosed by (e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____.
Encroachment- Street Specific	Encroachment upon (describe alley, name street/avenue/highway) by the (describe structure here) to the extent of approximately (describe the footage of the encroachment here), as disclosed by (plat, survey, whatever is applicable) dated _____ which was prepared by _____.
Encroachment- Street Unspecific	Encroachment upon (describe alley, name street/avenue/highway) by the (describe structure here), as disclosed by (plat, survey, whatever is applicable) dated _____ which was prepared by _____.
Encroachment- Adverse Specific	(e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____, discloses an adverse encroachment by the (e.g., neighbor's improvement, fence, garage, etc) onto the certified premises by approximately (e.g., ten feet).
Encroachment- Adverse Unspecific	Adverse encroachment of the (e.g., neighbor's improvement, fence, garage, etc.) onto the certified premises, as disclosed by (e.g., plat, survey, whatever is applicable) dated _____ which was prepared by _____.

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Encroachment- Wall Agreement	Party wall rights of owners of adjoining land relating to a party wall along the (locate the wall) side of the land as established by agreement made by (list the parties to the agreement) filed ____ in Book/Page/Document No._____.
Encroachment- No Wall Agreement	Party wall rights of owners of adjoining land in and to a party wall along the (locate the wall) line of the land, as disclosed by (plat, survey, appraisal, whatever is applicable) dated _____ which was prepared by _____.
Encroachment- Party Driveways or Walkways	_____ foot party (driveway) (walkway) located on said land and the land _____ and adjoining, as disclosed by (plat, survey, appraisal, whatever is applicable); dated _____ which was prepared by _____, and all rights ensuing there under in favor of said adjoining land.
Judgments- General	Judgment filed _____ as Case No. _____ in the Iowa District Court for _____ County in favor of _____ against _____ for _____, plus interest and costs.
Judgment- General Release	Release and satisfaction of the judgment(s) described in paragraph(s) 6 () above.
Judgments- Specific Release	Release and satisfaction of the judgment described in paragraph 6 () above, disclosing that as of the filing date of the mortgage (deed), all amounts due and payable have been paid current. If the lien is not shown as released and satisfied on the attorney's final title opinion, the above exception remains as a Special Exception on Schedule B of the final certificate.
Judgments- Costs	Judgment filed _____ as Case No. _____ in the Iowa District Court for _____ County in favor of _____ against _____ for court costs.
Judgments- Assessment	Assessment for (sewer)(water)(street) filed as Certificate No. _____ on _____.
Judgments- Divorce General	Dissolution of marriage proceedings filed _____ by _____ against _____ in the Iowa District Court for _____ County as Case No. _____.

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Judgments- Divorce Specific	(Child support)(Alimony) liens against _____, pursuant to dissolution of marriage Case No. _____ filed _____ in the Iowa District Court for _____ County.
Judgments- Sidewalk Requirement	The Division must be provided evidence that a sidewalk in conformance with City Ordinances has been constructed and that street trees in conformance with the street tree planting plan filed for the subdivision have been planted, all as specifically provided for in the Dedication. This evidence may be in the form of the certificate of occupancy from the City of _____.
Judgments- Names	Judgments, liens, claims, and any other miscellaneous matters that would be revealed by an abstractor's search against the name of, or names similar to _____.
Judgments- Unreleased	Judgments, liens, claims, and any other miscellaneous matters filed against the name of, or names similar to: _____
Judgments- Mechanic	Mechanics' lien filed by _____ against _____ on _____ in the Iowa District Court for _____ County in Case No. _____.
Judgments- State	Notice of Lien claimed by the State of Iowa under the provisions of the _____ against _____ in the sum of \$_____, plus interest and penalties, which Notice was filed of record _____ in Book/Page/Document No._____.
Judgments- Federal Tax	Notice of Lien claimed by the United States of America under the provisions of (applicable statute) against _____ in the sum of \$_____, plus interest and penalties, which notice was recorded _____ in Book/Page/Document No._____.
Judgments- LPN	Lis pendens notice dated _____ filed _____ by _____ against _____ regarding a suit in the Iowa District Court for _____ County, Case No. _____ and recorded in Book/Page/Document No._____.

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Legal- Roads	Rights of the Public, the Municipality, the County and the State of Iowa in and to that part of the land taken and used for roads and highways, if any.
Legal- Easements	Rights of way for utilities, fences, ditches, drainage tiles, feeders and laterals, if any.
Legal- Water	Riparian or water rights incident to the premises, if any.
Legal- Acres	(Title Guaranty coverage does not warrant that the above described parcel actually contains the number of acres described in the legal description.)
Misc- Ordinance	Ordinances and regulations of the City of _____ and County of _____, Iowa.
Misc-Soil	Notice from the _____ County Soil Conservation District regarding a possible soil conservation practice refund, filed _____.
Misc- Survey	Plat(s) of survey filed _____ in Book/Page/Document No. _____ in the _____ County, Iowa, Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
Mortgages- General	_____ Mortgage in favor of _____ dated _____, filed _____, in Book/Page/Document No. _____, to secure an indebtedness of \$_____.
Mortgages- Release	Release of the Mortgage(s) described in 6 () above.
Mortgages- Unreleased	Mortgage dated _____, filed _____, in Book/Page/Document No. _____ of the _____ County, Iowa, Recorder's Office, given by (name of borrowers) to (name of lender).
Mortgages- Inferior	Mortgage dated _____, filed _____, in Book/Page/Document No. _____ of the _____ County, Iowa, Recorder's Office, given by (name of borrowers) to (name of lender), which is inferior to the mortgage described in Schedule A Paragraph 4.

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Mortgages- Assignment	Assignment of said mortgage from _____ to _____ and recorded _____ in Book/Page/Document No. _____.
Mortgages- Subordination	Subordination agreement dated _____ and recorded _____ in Book/Page/Document No. _____, made by _____ and given to _____.
Mortgages- Pre-Recorded	Lack of priority of the lien of the guaranteed mortgage resulting from the failure to properly record the mortgage after the recording of the instrument vesting title in the mortgagor.
Mortgages- Foreclosure Pending	Pending mortgage foreclosure action regarding the mortgage disclosed in 6 () above was filed _____ in the Iowa District Court for _____ County, Case No. _____, by _____, and against _____. A complete abstract and examination has not been made of this proceeding and if title is to be guaranteed through these pending proceedings, this commitment and certificate are subject to such other and further exceptions as may be deemed necessary upon receipt and review of the participating attorney's supplemental opinion examining the abstracted proceedings.
Mortgage- Dismissal	Dismissal with prejudice of the pending proceeding described in 6 () above.
Mortgages- Foreclosure No Deed	Right, title and interest of _____ under a certificate of sale dated _____ issued pursuant to judgment of foreclosure entered _____ in Case No. _____, and all parties claiming thereunder.
Mortgages- Foreclosure Completed	Rights of any party interested by motion, appeal, petition or other direct proceeding to have set aside, modified or reversed any judgments and orders entered into in foreclosure Case No. _____ filed in the Iowa District Court for _____ County, within the time allowed by law.
Mortgages- Marital	Note: The marital status of the borrower(s) must be shown on the mortgage.
Mortgages- Contract for Deed	Terms and conditions of Real Estate Contract dated _____, by and between _____, as contract seller(s), and _____, as contract purchaser(s), filed of record _____ in Book/Page/Document No. _____, in the _____ County, Iowa, Recorder's Office.

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Plat- General	Plat(s) of subdivision filed in the _____ County, Iowa, Recorder's Office, including easements, building setbacks, restrictions, reservations, and notations.
Plat- Specific	Plat of _____ Addition/Subdivision filed in the _____ County, Iowa, Recorder's Office on _____, in Book/Page/Document No. _____, including easements, building setbacks, restrictions, reservations, and notations.
Probate- Pending	Pending proceedings in the Iowa District Court of _____ County, Case No. _____, for the Estate of _____, who died (testate)(intestate), on _____. Rights of _____, as (Executor) (Administrator).
Probate Initiation	The abstract discloses that titleholder, _____, died on _____. Probate administration should be initiated with the Iowa District Court of _____ County.
Probate- General Requirement	For 6 () above, there must be compliance with Iowa Code Section 633.386 et.seq. concerning sale of the real estate, including notice and hearing, or a showing of the power of sale in the will of the decedent, and appropriate Report and Order; and an adequate showing with regard to the payment of, or non-liability of the estate for, federal estate taxes, or a specific release of the federal estate tax lien, all in accordance with the Iowa Land Title Standards.
Probate- Deed Requirement	Court Officer Deed from (Executor)(Administrator) of the Estate of (name of deceased person) to (buyer) conveying the above described property.
Standard- Exception 1	Rights or claims of parties in possession not shown by the public records.
Standard- Rental	Rights or claims of any tenants in possession.
Standard- CMA Requirement	Composite Mortgage Affidavit signed by the buyers and sellers of the subject property.
Standard- Exception 2	Encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises.

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Standard- Exception 3	Easements, or claims of easements, not shown by the public records.
Standard- Appraisal Requirement	Appraisal or Real Property Inspection Report showing the boundary lines, the location of any improvements relative to the property lines, easements, building setback lines, property dimensions and showing no possible encroachments.
Standard- Survey Requirement	Survey or Real Property Inspection Report showing the boundary lines, the location of any improvements relative to the property lines, easements, building setback lines, property dimensions and showing no possible encroachments.
Standard- Exception 4	Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
Standard- Construction Requirement	<p>Satisfactory Completion Certificate, or other satisfactory evidence of the date upon which all construction was completed, and copies of all lien waivers executed by all providers of labor and materials to the property, including the general contractor, all subcontractors, and materialmen.</p> <p>Composite Mortgage Affidavit signed by the buyers and sellers of the subject property.</p> <p>If these requirements are not met in accordance with Title Guaranty rules and procedures, Standard Exceptions #3 and #4 remain as Special Exceptions on Schedule B of the lender certificate.</p>
Standard- Mechanic Lien	Mechanics' lien filed by _____ against _____ on _____ in the Iowa District Court for _____ County in Case No. _____.
Standard- Release MLC	Release and satisfaction of mechanic's lien(s) described in paragraph(s) 6 () above.
Standard- Exception 5	Taxes or special assessments which are not shown as existing liens by the public records.

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Taxes- Status	The lien of the taxes for the July 1, 200_ - June 30, 200_ fiscal year (due and payable in the following fiscal year) and thereafter. (None now due and payable.) (None delinquent.) (First installment paid. Second installment unpaid, but not yet delinquent.) (Now due and payable, but not delinquent.) (First installment unpaid, due and delinquent, with penalty. Second installment unpaid, but not yet delinquent.)
Taxes- Payment	Payment of the delinquent real estate taxes and penalty described in paragraph 5 above.
Taxes- Sale Exception	The lien of the taxes for the July 1, 200_ - June 30, 200_ fiscal year sold at tax sale on _____, and all later taxes paid and included therein. Right, title and interest of (_____,) the tax purchaser of said tax sale certificate # _____.
Taxes- Tax Sale Requirement	Redemption of the property from the tax sale described in paragraph ____ above.
Taxes- Manufactured	Consequences, if any, of the failure of the county assessor to assess real property taxes against the improvements located on the guaranteed real estate.
Default - Commitment	Schedule B for a Commitment
Default - Certificate Lender	Schedule B for a Lender
Default - Certificate Owner	Schedule B for an Owner
Location	To issue a Location Endorsement, the Division must be provided with current information showing or describing the house, either from the Assessor's Office for the county in which the property is located, or from a current appraisal.